

No. 5:08-CV-00119-H

Defendant.

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Additionally, the presence of a protective order in the case does not absolve the Court of its duty to make the determinations required by *Stone*.¹

Accordingly, Plaintiff's motions to seal [DE-127, 133 & 171] are **DENIED WITHOUT PREJUDICE**. The documents shall remain **SEALED** for **14 days** in order to allow Plaintiff to file a notice to Defendant or motion to seal in conformity with this order and the local rules and procedures of this Court.

This the 21st day of August, 2010.



DAVID W. DANIEL
United States Magistrate Judge

¹ The Court notes that some or all of the documents Plaintiff seeks to have sealed may be documents to which Defendant has assigned a confidentiality designation such that a motion to seal is appropriate under the protective order. However, in such circumstances, the Court's procedures do not require a party to defend an opposing party's materials.

In the event that a filing party seeks to file materials that have been designated confidential by another party or individual, the filing party shall provisionally file the materials under seal in accordance with Local Civil Rule 79.2 and Local Criminal Rule 55.2, with notice served on the party or individual who desires to maintain the materials under seal.

The filing party is required to file a notice of filing pursuant to this subsection, in lieu of filing a motion to seal, which must be docketed after the filing of the sealed material and link back to the entry or entries being filed under seal. The filing party need not file a motion to seal or otherwise defend another party or individual's request that the materials remain sealed and the filing of the materials under seal shall not be binding on the court.

Within seven (7) days after service of such notice, the party or individual desiring that the materials be maintained under seal shall file a motion to seal and supporting memorandum in accordance with Section T(1)(a)1.

Elec. Case Filing Admin. Policies and Procedures Manual, § T(1)(a)6.